

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Telephone Interview**

Initially, the Applicants would like to thank Examiner Tekle for granting and conducting a telephone interview on November 3, 2009.

During the interview, the Examiner took the position that, according to claim 1, he only needs to identify prior art that teaches selecting from one of the groups (i.e., one of the still picture group, the style group, or the music group), which, in this case, is the still picture group. In other words, the Examiner took the position that even though the selection unit of claim 1 is operable to select from only one of the still picture group, the style group and the music group, Haneda must only disclose selecting from the still picture group in order to anticipate the invention of claim 1.

In view of the above, the Examiner suggested amending the claims in a manner that would require him to interpret the limitations of the selection unit differently, such that in order for Haneda to anticipate the claimed invention, Haneda would have to disclose or suggest selecting from any of the style group, the music group and the still picture group.

### **II. Amendments to the Claims**

Based on the Examiner's suggestions, independent claims 1, 28, 30 and 36-40 have been amended to clarify the features of the invention recited therein and to further distinguish the present invention from the references relied upon in the rejections discussed below.

### **III. 35 U.S.C. § 102 Rejection**

Claims 1-21 and 28-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by Haneda (U.S. 6,211,974). This rejection is believed clearly inapplicable to amended independent claims 1, 28, 30 and 36-40 and the claims that depend therefrom for the following reasons.

Amended independent claim 1 recites an apparatus for generating a video. Claim 1 recites that the apparatus includes a selection unit that selects a selection element used to generate a portion of the video, the selection element being selected from a selection group according to a user input, the selection group being any one of the still picture group, the style group, and the music group, and the selection element selected by the selection unit being any one of a still picture of the plurality of still pictures, a style of the plurality of styles, and a musical piece of the plurality of musical pieces, only from the selection group that is any one of the still picture group, the style group, and the music group. Further, claim 1 recites that the apparatus includes a determination unit that automatically determines, as two other elements used to generate a portion of the video and from only two groups of the still picture group, the style group, and the music group other than the selection group, a still picture of the plurality of still pictures, a musical piece of the plurality of musical pieces, or a style of the plurality of styles.

According to the above-identified structure required by claim 1, only one type of any type of data is selected (i.e., claim 1 recites “select, from only any one selection group that is only one of the still picture group, the style group, and the music group”). Further, according to the structure required by claim 1, based on the selection of the any one type of data (the still

picture, the style, or the musical piece), another type of data is determined through conversion of a feature of the selected data.

For example, when a user selects only one style from the database, the still picture and the musical piece corresponding to the feature of the style are automatically determined from the database so as to generate a scenario. This allows the user to generate a short video very easily and casually, saving time to be spent on searching vast amounts of data (e.g., still pictures, styles, and musical pieces).

Haneda fails to disclose or suggest the above-mentioned distinguishing features and the results of the structure as recited in independent claim 1.

Rather, as discussed during the interview, Haneda merely teaches generating a scenario, using (i) a still image, (ii) a style corresponding to the image, and (iii) music corresponding to the still image and the style. More specifically, according to Haneda the style and the music included in the generated scenario are generated only based on the still image selected by the user (see col. 43, lines 35-67 and Fig. 48, as cited in the Office Action).

Thus, in view of the above, it is clear that Haneda teaches that the style and the music included in the generated scenario are generated only based on the still image selected by the user, but fails to disclose or suggest that the selection element is selected from a selection group according to a user input, such that the selection group is any one of the still picture group, the style group, and the music group, and such that the selection element is any one of a still picture of the plurality of still pictures, a style of the plurality of styles, and a musical piece of the plurality of musical pieces, only from the selection group that is any one of the still picture group, the style group, and the music group, as required by claim 1.

In other words, and as discussed during the interview, according to Haneda, the still picture must be selected by the user in order for the scenario to be generated. On the other hand, claim 1 recites that the selection group is any one of the still picture group, the style group, and the music group, as required by claim 1.

Furthermore, for reasons similar to those discussed above regarding the selection group, Haneda also fails to disclose or suggest the determination unit that automatically determines, as two other elements used to generate a portion of the video and from only two groups of the still picture group, the style group, and the music group other than the selection group, a still picture of the plurality of still pictures, a musical piece of the plurality of musical pieces, or a style of the plurality of styles, as required by claim 1.

For example, as mentioned above, Haneda requires the user to select the still picture in order for the scenario to be generated. On the other hand, the structure of claim 1 permits the user to pick from any one of the still picture group, the style group, and the music group, such that if the user selects a style from the style group, then the determination unit will automatically determine a still picture from the still picture group and a musical piece from the music group to be used in the generation of the scenario. In view of the above, Haneda does not disclose or suggest these above-mentioned features.

Therefore, because of the above-mentioned distinctions it is believed clear that amended independent claim 1 and claims 2-26 that depend therefrom are not anticipated by Haneda.

Furthermore, there is no disclosure or suggestion in Haneda or elsewhere in the prior art of record which would have caused a person of ordinary skill in the art to modify Haneda to obtain the invention of independent claim 1. Accordingly, it is respectfully submitted that

independent claim 1 and claims 2-26 that depend therefrom are clearly allowable over the prior art of record.

Amended independent claims 28, 30, 36, 37, 38, 39 and 40 are directed to an apparatus, an apparatus, a system, a method, a method, a program, and a program, respectively and each recite features that correspond to and/or are similar to some or all of the above-mentioned distinguishing features of independent claim 1. Thus, for the same reasons discussed above, it is respectfully submitted that claims 28, 30, 36, 37, 38, 39 and 40 and the claims that depend therefrom are allowable over Haneda.

In addition, regarding the rejection of independent claims 30, 38 and 40, the Applicants note that pages 10 and 12 of the Office Action merely state that claims 30, 38 and 40 are rejected for the same subject matter as discussed regarding claim 1. However, the present rejection does not provide any specific reason for rejecting the subject matter of claims 30, 38 and 40 that is different from claim 1. Therefore, it is difficult for the Applicants to compare claims 30, 38 and 40 to the referenced prior art. However, for the Examiner's convenience, please consider the following.

Independent claims 30, 38 and 40 are characterized in that the scenario generation unit includes (i) an effect arrangement unit operable to select effects one by one from among a group of effects stored in the database unit, and arrange the selected effects one by one in a time domain, (ii) a still picture assignment unit operable to assign a still picture to each of the effects arranged in the time domain by the effect arrangement unit based on the object information stored in the database unit, the still picture satisfying a picture feature required by the respective effects, and (iii) a parameter setting unit operable to generate the scenario by describing a parameter indicting processing to be performed on the object suitable for each of the effects

arranged in the time domain by the effect arrangement unit, and store the generated scenario in the database unit.

In other words, the invention of claims 30, 38 and 40 selects and assigns a still picture having a feature of an image required by the effect in the style (in particular, an object such as a face or a thing) and adjusts the parameter of the effect with respect to the object, so as to generate a scenario for moving the still picture. On the other hand, Haneda fails to disclose moving the still picture (such as panning and zooming), and therefore fails to disclose the distinguishing features of claims 30, 38 and 40.

#### **IV. 35 U.S.C. § 103(a) Rejection**

Regarding dependent claims 21-26, which were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Haneda and Nishikawa et al. (U.S. 2005/0158030), it is respectfully submitted that Nishikawa does not disclose or suggest the above-discussed features of independent claim 1 which are lacking from the Haneda reference. Therefore, no obvious combination of Haneda and Nishikawa would result in, or otherwise render obvious, the invention recited independent claim 1 and claims 2-26 that depend therefrom.

**V. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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